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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,959	07/30/2003	Lawrence Bergman	YOR920030056US1(8728-607)	1793

46069 7590 10/28/2009  
F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY, NY 11797

EXAMINER
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DAO, THUY CHAN

ART UNIT	PAPER NUMBER
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2192

MAIL DATE	DELIVERY MODE
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10/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* LAWRENCE BERGMAN,  
VITTORIO CASTELLI,  
TESSA LAU,  
and DANIEL OBLINGER

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Application No. 10/630,959  
Technology Center 2192

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Mailed: October 28, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 20, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER/GROUNDS OF REJECTION

The Examiner's Answer mailed May 26, 2009 is defective, since it states under the Grounds of Rejection that Claims 20-34 are rejected under 35 U.S.C. 102(e) . . . . However, the amendment filed September 22, 2008, canceled claims 30-34. Appropriate correction is required, for clarification of the record.

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

1) vacate the Examiner's Answer mailed May 26, 2009, and mail a Supplemental Examiner's Answer with the correct information for the claims under the Grounds of Rejection; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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